

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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|--------------------------------------|-----------------------------|
| INTERDIGITAL COMMUNICATIONS CORP.,) | |
| and INTERDIGITAL TECHNOLOGY CORP.,) | |
| Plaintiffs,) | Civil Action No. 07-165-JFF |
| v.) | |
| SAMSUNG ELECTRONICS CO., LTD.) | |
| SAMSUNG ELECTRONICS AMERICA., INC.) | |
| and SAMSUNG TELECOMMUNICATIONS) | |
| AMERICA LLC,) | |
| Defendants.) | |

**DEFENDANTS' EMERGENCY MOTION FOR RELIEF FROM THE TIMING
REQUIREMENTS OF THIS COURT'S NON-DISPOSITIVE MOTION
PROCEDURE FOR PATENT CASES TO ALLOW THEM TO COMPLY WITH
THE STATUTORY REQUIREMENT TO INVOKE THEIR RIGHT TO A
MANDATORY STAY OF THIS ACTION PURSUANT TO 28 U.S.C. § 1659**

Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America LLC (collectively "Samsung"), respectfully request that the Court withdraw the May 18, 2007 docket entry striking Defendants' Motion to Stay Pursuant to 28 U.S.C. § 1659 (filed as D.I. 13 and attached hereto as Exhibit 1) for failure to comply with the Court's standing order regarding non-dispositive motions in patent cases, or in the alternative, permitting the filing of Defendants' Motion, As Respondents In An ITC Investigation Involving The Same Patents And Parties Herein, To Invoke The Mandatory Stay Of This District Court Action Provided Under 28 U.S.C. § 1659(a), Pending Final Determination In The ITC (D.I. 15).

The grounds for this motion are set forth in Samsung's emergency email to the Court in this matter, dated May 19, 2007.

ASHBY & GEDDES

/s/ John G. Day

Steven J. Balick (I.D. #2114)
John G. Day (I.D. #2403)
Lauren E. Maguire (I.D. #4261)
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, Delaware 19899
(302) 654-1888
(302) 654-2067 (Fax)
sbalick@ashby-geddes.com
jday@ashby-geddes.com
lmaguire@ashby-geddes.com

Attorneys for Defendants

Of Counsel:

David Healey
Weil, Gotshal & Manges LLP
700 Louisiana Street
Suite 1600
Houston, Texas 77002
(713) 446-5000
(713) 224-9511 (Fax)

Dated: May 19, 2007
180720.1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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| INTERDIGITAL COMMUNICATIONS CORP.,) | |
| and INTERDIGITAL TECHNOLOGY CORP.,) | |
| |) |
| Plaintiffs,) | Civil Action No. 07-165-JFF |
| |) |
| v.) | |
| |) |
| SAMSUNG ELECTRONICS CO., LTD.) | |
| SAMSUNG ELECTRONICS AMERICA., INC.) | |
| and SAMSUNG TELECOMMUNICATIONS) | |
| AMERICA LLC,) | |
| |) |
| Defendants.) | |

**ORDER GRANTING
DEFENDANTS' EMERGENCY MOTION FOR RELIEF FROM THE TIMING
REQUIREMENTS OF THIS COURT'S NON-DISPOSITIVE MOTION
PROCEDURE FOR PATENT CASES TO ALLOW THEM TO COMPLY WITH
THE STATUTORY REQUIREMENT TO INVOKE THEIR RIGHT TO A
MANDATORY STAY OF THIS ACTION PURSUANT TO 28 U.S.C. § 1659**

WHEREAS defendants have requested that the Court withdraw the May 18, 2007 docket entry striking Defendants' Motion to Stay Pursuant to 28 U.S.C. § 1659 (D.I. 13) for failure to comply with this Court's procedure for non-dispositive motions in patent cases, and have established good cause for the Court to permit the filing of such motion, the Court hereby withdraws the May 18, 2007 docket entry striking D.I. 13, and D.I. 13 shall remain on the docket as filed on May 17, 2007.

Dated: _____

United States District Judge

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INTERDIGITAL COMMUNICATIONS CORP.,)
and INTERDIGITAL TECHNOLOGY CORP.,)

Plaintiffs,

Civil Action No. 07-165-JFF

V.

SAMSUNG ELECTRONICS CO., LTD.
SAMSUNG ELECTRONICS AMERICA., INC.
and SAMSUNG TELECOMMUNICATIONS
AMERICA LLC,

Defendants.

DEFENDANTS' MOTION TO STAY PURSUANT TO 28 U.S.C. § 1659

Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America LLC (collectively “Samsung”), for the reasons stated in the Memorandum filed contemporaneously herewith, hereby invoke their rights to a stay of this action in its entirety pursuant to 28 U.S.C. § 1659, and respectfully requests that this Court stay the present action until the date that the determination of the ITC in the proceeding entitled *Certain 3G Wideband Code Division Multiple Access (WCDMA) Handsets and Components Thereof*, 337-TA-601 becomes final.

ASHBY & GEDDES

/s/ John G. Day

Steven J. Balick (I.D. #2114)
John G. Day (I.D. #2403)
Lauren E. Maguire (I.D. #4261)
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, Delaware 19899
(302) 654-1888
(302) 654-2067 (Fax)
sbalick@ashby-geddes.com
jday@ashby-geddes.com
lmaguire@ashby-geddes.com

Attorneys for Defendants

Of Counsel:

David Healey
Weil, Gotshal & Manges LLP
700 Louisiana Street
Suite 1600
Houston, Texas 77002
(713) 446-5000
(713) 224-9511 (Fax)

Dated: May 17, 2007
180672.1

**I IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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| INTERDIGITAL COMMUNICATIONS CORP.,) | |
| and INTERDIGITAL TECHNOLOGY CORP.,) | |
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| v.) | |
| |) |
| SAMSUNG ELECTRONICS CO., LTD.) | |
| SAMSUNG ELECTRONICS AMERICA., INC.) | |
| and SAMSUNG TELECOMMUNICATIONS) | |
| AMERICA LLC,) | |
| |) |
| Defendants.) | |

**ORDER GRANTING
DEFENDANTS' MOTION TO STAY PURSUANT TO 28 U.S.C. § 1659**

WHEREAS an investigation has been instituted by the United States International Trade Commission based on a complaint filed by the plaintiff that involves the same patents and the same parties as in this civil action; and

WHEREAS defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America LLC have each invoked their right to stay this action, and have demonstrated that all of the requirements for a stay pursuant to 28 U.S.C. § 1659 are satisfied;

The Court hereby ORDERS that this action shall be stayed in its entirety until the date that the determination of the United States International Trade Commission becomes final in the proceeding entitled *Certain 3G Wideband Code Division Multiple Access (WCDMA) Handsets and Components Thereof*, 337-TA-601.

SO ORDERED.

Dated: _____

United States District Judge